

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SANDRA M. BAXTER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C13-556-JLR-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of her application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 1. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 16.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings, including a new hearing, with respect to plaintiff's applications for disability insurance benefits and supplemental security income payments under Titles II and XVI of the Social Security Act. On remand, the Administrative Law Judge ("ALJ") shall: 1) conduct a *de novo* hearing and offer plaintiff the

1 opportunity to appear at the new administrative hearing. Plaintiff may testify, submit additional
2 evidence, and make new arguments at the hearing. The ALJ shall make a new, full sequential
3 disability evaluation, including re-evaluating plaintiff's impairments. The ALJ shall evaluate the
4 January 2009 opinion of Larry Harper, M.D., one of plaintiff's treating doctors. The ALJ shall
5 evaluate the testimony of testifying medical experts John Anigbogu, M.D., and Glen McClure,
6 Ph.D. Any other new evidence, if available, shall be entered into the record and considered on
7 remand. If the ALJ rejects any of the medical opinions, the ALJ shall provide legally sufficient
8 explanation of the reasons. The ALJ shall reassess whether the claimant meets a listing. The
9 ALJ shall re-evaluate the other medical evidence, plaintiff's impairments, plaintiff's credibility,
10 plaintiff's residual functional capacity, and plaintiff's ability to perform work at steps four and
11 five. If necessary, the ALJ shall obtain vocational expert testimony to help determine plaintiff's
12 ability to perform work at steps four and five. The ALJ shall issue a new decision.

13 A proposed order accompanies this Report and Recommendation.

14 DATED this 23rd day of July, 2013.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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